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Case No. 2:21-cv-00377-TLN-JDP (HC)

ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE AND FAILURE
TO COMPLY WITH LOCAL RULES

ECF No. 8

RESPONSE DUE WITHIN TWENTY-ONE
DAYS

On May 11, 2021, respondent filed a motion to dismiss this case. ECF No. 8. To date, petitioner has not filed a response.

In cases where a party is incarcerated and proceeding without counsel, a responding party is required to file an opposition or statement of non-opposition not more twenty-one days after the date the motion is served. E.D. Cal. L.R. 230(l). Failure “to file an opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion and may result in the imposition of sanctions.” *Id.*

To manage its docket effectively, the court imposes deadlines and requires litigants to meet them. The court may dismiss a case based on plaintiff's failure to prosecute or to comply with its orders or with the local rules. *See* Fed. R. Civ. P. 41(b); *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th

1 Cir. 1988). Involuntary dismissal is a harsh penalty, but a district court has a duty to administer
2 justice expeditiously. *See Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002);
3 Fed. R. Civ. P. 1.

4 I will give petitioner a chance to explain why the court should not dismiss the case based
5 on his failure to timely file either an opposition or a statement of non-opposition. Petitioner's
6 failure to respond to this order will constitute a failure to comply with a court order and will result
7 in a recommendation that this action be dismissed. Accordingly, petitioner is ordered to show
8 cause within twenty-one days why this case should not be dismissed for failure to prosecute and
9 to comply with the local rules. Should petitioner wish to continue with this lawsuit, he shall,
10 within twenty-one days, file an opposition or statement of non-opposition to respondent's motion.

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12 IT IS SO ORDERED.

13 Dated: June 21, 2021

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15 JEREMY D. PETERSON
16 UNITED STATES MAGISTRATE JUDGE
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